

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERKS OFFICE
2004 JUL -6 P 4:20

ZONEPERFECT NUTRITION
COMPANY,
Plaintiff and Counterclaim Defendant

v.

HERSHEY FOODS CORPORATION,
HERSHEY CHOCOLATE &
CONFECTIONERY CORPORATION,
DR. BARRY D. SEARS, and
ZONE LABS, INC.,
Defendants and Counterclaim Plaintiffs

CIVIL ACTION NO: 04-10760 RGS

AFFIDAVIT OF DAVID SCHRECK


I, David Schreck, being duly sworn, do hereby depose and say:

1. When Eicotech Corporation was formed in the fall of 1996, I was hired to answer telephone calls in the technical support department regarding the Zone Diet. I remained at Eicotech until the end of 1998 when I began working directly for Dr. Sears in his Marblehead, Massachusetts office.
2. My work for Dr. Sears focused on providing technical support and responding to incoming emails and answer telephone calls about the Zone Diet, Dr. Sears, his teachings and products.
3. Eicotech introduced its ZonePerfect "crunch bars" in early 1999. Immediately after the product was introduced, I began receiving phone calls and emails from customers complaining that the new bars were not sustaining hunger for four

hours like the prior generation of ZonePerfect bars had. Customers also complained that after eating a crunch bar, they became tired and lethargic.

4. I also received phone calls from diabetics indicating that they were reacting very poorly to the crunch bars.
5. I did not attend a meeting in Beverly, Massachusetts where Dr. Sears made any presentation about the crunch bar.

UNDER THE PAINS AND PENALTIES OF PERJURY this _____ of June, 2004.


David Schreck